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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

SANDRA J.,

Petitioner,

v.

THE SUPERIOR COURT OF ORANGE
COUNTY,

Respondent;

ORANGE COUNTY SOCIAL SERVICES
AGENCY et al.,

Real Parties in Interest.

G051866

(Super. Ct. No. DP024761)

O P I N I O N

Original proceedings; petition for a writ of mandate/prohibition to challenge an order of the Superior Court of Orange County, Dennis J. Keough, Judge. Petition denied.

Lawrence A. Afill for Petitioner.

Nicholas S. Chrisos, County Counsel, and Karen L. Christensen, Deputy County Counsel, for Real Party in Interest.

Law Offices of Harold LaFlamme and Tina Stevens for Minor.

The paternal grandmother of Helen R., Sandra J. (Grandmother), challenges the order made at the six-month review hearing denying her motion for placement, terminating the father's reunification services, and setting a permanency planning hearing (Welf. & Inst. Code, § 366.26, subd. (c), all further statutory references are to the Welfare and Institutions Code, unless otherwise indicated). She contends the juvenile court abused its discretion by not placing Helen with her pursuant to the relative placement preference statute. (§ 361.3.) We reject her contentions and deny her petition for an extraordinary writ.

FACTS

Detention, Jurisdiction, and Disposition

Helen was taken into protective custody at the hospital within a few days of her birth due to her mother, Kathryn R.'s (Mother), mental illness. At the time, Mother was unable to provide any information about the identity of Helen's father. A petition was filed on March 24, 2014, under section 300, subdivision (b) [failure to protect], based on Mother's mental illness, combativeness, and hostility at the hospital, failure to have any provisions for Helen, lack of a residence or any source of income or support, and refusal of voluntary services. The petition alleged Helen's father's identity and whereabouts were unknown. On March 24, 2014, then six-day-old Helen was placed in the foster home where she has remained throughout these proceedings. At the March 25, 2014, detention hearing, the juvenile court detained Helen.

In reports for the May 7, 2014, jurisdictional hearing, SSA reported Helen's father's identity and whereabouts still remained unknown and there were no maternal relatives able to care for Helen. By mid-April, Mother had stopped visiting Helen and did not remain in contact with her family, the foster parents, service providers, or SSA, and thereafter her whereabouts were unknown. Helen was doing very well in the foster home. The court found the allegations of the petition true and set a disposition hearing.

At the June 9, 2014, disposition hearing, SSA reported Helen's father's identify was still unknown. Mother had disappeared, and no one had heard from her. The juvenile court declared Helen a dependent child and removed custody from her parents. It found section 361.5, subdivision (b)(1), applied and denied services to Mother. It also declined services for the still unknown father. The court set a permanency planning hearing pursuant to section 366.26 (hereafter the .26 hearing) for October 7, 2014.

Father's Identity and Paternity Established

On June 11, 2014, Richard T. (Father), contacted SSA explaining he had just learned about Helen's birth from Mother, he believed he might be Helen's father, and he wanted custody if that turned out to be the case. On June 20, 2014, the juvenile court appointed counsel for Father and ordered paternity testing.

In its September 8, 2014, ex parte application requesting a progress review hearing be set, SSA reported paternity testing completed in July 2014 confirmed Father was Helen's biological father. Father contacted SSA in early August asking what he needed to do to gain custody of Helen. The social worker interviewed Father on August 13. Father explained he and Mother had been involved for five to six months and then she left. He had no knowledge of the pregnancy until Mother told him in June 2014 that Helen had been placed in protective custody and he might be her father. Father admitted he had an extensive criminal history, including arrests for drugs, burglary, and time spent in prison. Father told the social worker he lived with "[Grandmother] and her husband," but could get his own residence if necessary. The social worker told Father all adults in the home would have to be cleared for criminal records. Mother's whereabouts remained unknown. The juvenile court set a progress review hearing for September 22, 2014.

In its report for the September 22, 2014, progress review hearing, SSA recommended the court vacate the scheduled .26 hearing, offer reunification services to Father, and allow Helen to remain in her current placement with the foster parents.

Father made his first appearance at that hearing. The minute order stated the “paternal grandparents” were also present and permitted to remain in the courtroom during the hearing. Mother was not present. The juvenile court found Father to be Helen’s biological father. Pursuant to the parties’ stipulation, the court vacated the .26 hearing, ordered reunification services for Father, adopted SSA’s case and visitation plans, and gave Father a .26 advisement that if Helen could not be returned to his home it could result in the termination of his parental rights. Progress review and six-month review hearings remained set on December 9, 2014.

Father’s Reunification Period

In her first report for the six-month review hearing, filed December 5, 2014, SSA Senior Social Worker Stephanie Daleo reported Father had made little effort on his case plan. He had not enrolled in parenting classes or drug treatment and had not submitted to any drug tests. He attended only two visits with Helen, neither of which went very well. The first was described as an “icebreaker” visit on October 28, 2014, attended by Father, Grandmother, “the paternal step-grandfather,” and the foster parents. Daleo reported Helen remained in the foster home and was doing well and thriving there. Helen and the foster family were bonded, and the foster parents were committed to adopting her. Daleo reported maternal relatives had declined placement. Daleo reported she had advised Father “to have any interested relative contact [her]. No paternal relatives have requested placement.” The six-month review hearing was continued to January 8, 2015, and then to January 20, 2015.

In her reports, Daleo recommended terminating Father’s reunification services and setting a .26 hearing. Father still was not participating in services or visiting Helen. Daleo had tried to contact Father several times unsuccessfully. Daleo explained that on January 2, 2015, she called Grandmother’s telephone trying to locate Father and spoke with Grandmother. Grandmother asked about the status of the case. Grandmother

told Daleo if Father failed to reunify with Helen, she would like to be considered for placement. Grandmother told Daleo that Father had told her “many weeks ago” that she could request placement, but Grandmother did not have Daleo’s phone number. Daleo obtained information from Grandmother to prepare a referral for a relative placement assessment. When Daleo asked Grandmother for information on the paternal step-grandfather, Grandmother said the man who had been with her previously at the first visit was just a friend who helped her out because she was disabled. When Daleo told Grandmother the man had been identified at the visit as her husband, which was why he had been allowed in, Grandmother repeated he was just a friend. Later that same day, Daleo left a message for Grandmother asking for additional information for the placement assessment. Grandmother did not return the call, so Daleo left another message. Grandmother did not return Daleo’s call until several days later when on January 10 she left Daleo a message with the requested information. Daleo submitted the request for a placement assessment on January 15. Father left a message for Daleo on January 6, giving “consent” for Grandmother to have Helen.

The six-month review hearing began on January 20, 2015. Grandmother was present; Mother and Father were not. The juvenile court initially made findings and orders terminating Father’s reunification services and setting a .26 hearing. The court then heard from Grandmother, who explained Father was in jail in Los Angeles County. Grandmother said she wanted Helen placed with her. The court vacated the hearing and the findings it had already made that day. It continued the six-month review hearing to February 2, 2015, and ordered visits for Grandmother. Grandmother had visits on January 22 and 28, 2015, that went well.

Grandmother’s Motion for Placement

On February 2, 2015, Grandmother, now represented by retained counsel, filed a motion asking for Helen’s placement pursuant to section 361.3, subdivision (a). Grandmother’s accompanying declaration reiterated she had not learned of Helen’s

existence until July 2014. Grandmother declared she did not know the juvenile court was involved with Helen and did not know her son was Helen's biological father until October 2014. She declared that at the October 2014 visit with Helen, Daleo told her visits were for Father, and Grandmother had no right to visits. Daleo never asked Grandmother if she wanted to be considered for placement and did not tell her about upcoming court dates. Grandmother declared Daleo called her home four times over the next two months looking for Father but never asked Grandmother if she wanted placement of or visits with Helen. Grandmother declared Daleo told her not to come to court for the January 8 hearing and the judge would not let her into the courtroom. Daleo said she would let Grandmother know what happened on January 8, but she never called. Although Grandmother had two visits with Helen after the January 20 hearing, Daleo said she could not have further visits until her fingerprint results came back. Grandmother declared it would be in Helen's best interests to be placed with her. She could take care of all of Helen's needs, and she had a valid driver's license and access to a car so she could take Helen to appointments and visits. Grandmother declared she had never been convicted of a criminal act, she lived by herself, she did not "have a violent criminal history," she had "never been responsible for acts of child abuse or neglect," and she paid \$425 a month in rent.

Pursuant to the parties' stipulation, the juvenile court continued the six-month review hearing to February 17, 2015, and ordered that Grandmother could continue having weekly visits with Helen.

In her February 13, 2015, report, Daleo explained Grandmother left a message on February 3 that she was unavailable to have visits with Helen on two upcoming dates. When Daleo called back on February 4 to rearrange the visits, a man answered and said he would let Grandmother know Daleo had called. As of February 13, Grandmother had not called Daleo. The six-month review hearing was continued to March 11.

In her report filed March 10, 2015, Daleo responded to Grandmother's declaration. Daleo denied ever telling Grandmother she had no right to visit Helen. She did not discuss upcoming court dates with Grandmother because it was not common practice to do so with grandparents. On November 25, 2014, Father told Daleo Grandmother might be interested in placement. Daleo told Father to have Grandmother contact her. Daleo called Grandmother's house several times looking for Father during November and December 2014 and spoke to Grandmother on the phone. Grandmother never asked about the case and did not request visits or placement. On January 2, 2015, Grandmother confirmed to Daleo that Father had earlier told her to contact Daleo if she wanted placement, but Grandmother said she did not call Daleo because she did not know her contact information. Daleo did not tell Grandmother to not come to court on January 8; she told her it was not necessary to because Daleo would be submitting Grandmother's request for placement and she told Grandmother that because she was not a party, the judge might not allow her in the courtroom. Daleo did not tell Grandmother she could not have additional visits with Helen; she was waiting for Live Scan results to determine if a monitor was needed at visits. Although in her declaration Grandmother denied she had any criminal convictions, Daleo reported Grandmother had a 1982 conviction for misdemeanor battery and a 1996 conviction for misdemeanor infliction of corporal injury on a spouse/cohabitant. Although Grandmother denied prior acts of child abuse or neglect, in 1991 she lost custody of a child due to homelessness and cocaine and alcohol abuse; and in 1992 reunification services were terminated and that child was placed with an aunt. Additionally, Grandmother's rent was \$725 per month, not \$425 per month as stated in her declaration.

Daleo's March 10 report also included the relative placement assessment for Grandmother that had been completed by an SSA placement division social worker on March 6. The assessment discussed Grandmother's desire for placement and that

Grandmother had not known about Helen's birth, or started having visits until January 2015. The placement social worker inspected Grandmother's home, which was clean and well furnished. Grandmother lived alone in a one-bedroom apartment. Grandmother admitted misrepresenting her rent because she feared if she revealed that her income was just enough to pay her bills, Helen would not be placed with her. Grandmother was disabled due to diabetes and arthritis and had very limited disability income. Despite her disability, Grandmother believed she was able to care for an 11-month-old child. As for Grandmother's background, she admitted to being homeless and on "crack" in 1991. Although her child's placement with an aunt in 1992 followed a dependency proceeding in which that was the adopted permanent plan, Grandmother only reported to the placement social worker that she signed a notarized document allowing the aunt to become legal guardian because Grandmother was young and immature and could not provide for that child. Grandmother similarly said her 1982 and 1996 arrests and convictions occurred when she young and immature and she had no further involvement with drugs since she went through a drug treatment program in 1992. The placement social worker approved Grandmother's home for placement.

As for Grandmother's suitability for placement, Daleo's report observed Grandmother had "preferred" relative status under section 361.3, she appeared capable of appropriately caring for Helen, and she was willing to adopt her. However, Daleo noted Helen had been in her current placement for a year—since she was six days old. Daleo was concerned that despite having had a visit with Helen in October 2014, and speaking with Daleo numerous times, Grandmother did not express interest in placement until January 2, 2015. Daleo was concerned about Grandmother's descriptions of "a man" in her life. Early on, Grandmother (and Father) led Daleo to believe the man was Grandmother's husband, but when Daleo attempted to get information about him for the placement evaluation, Grandmother said he was just a friend and did not live in her

home. Daleo was also concerned that Grandmother lied about her rent. Although Grandmother said she lived alone, she also said Father resided in and out of her home because he had never been able to fully support himself, and Father told Daleo he lived with Grandmother and her husband. Daleo was concerned about Grandmother's ability to be forthcoming with SSA and felt Grandmother was misrepresenting important facts in order to gain custody. Daleo recommended Grandmother's request for placement be denied. Helen had been with the foster parents for a year and had come to rely on them for all her physical and emotional needs. They were bonded. Daleo did not believe it was in Helen's best interest to sever that bond and believed Helen would suffer detriment and distress if separated from her current caregivers.

The six-month review hearing was continued to March 30. In an addendum report filed March 26, 2015, Daleo reported on Grandmother's further supervised visits with Helen that went well with no issues or concerns being reported.

Contested Six-Month Review and Placement Hearing; Ruling

A combined contested six-month review hearing and hearing on Grandmother's motion for placement began on April 17, 2015. Daleo testified consistently with her reports. She met Grandmother for the first time at the October 28, 2014, visit. She never told Grandmother she did not have a right to visit Helen and did not discuss any rights Grandmother had as a relative. When Father told her on November 25 that Grandmother might want placement, Daleo told him to have Grandmother contact her. In their subsequent conversations, Grandmother did not mention any interest in placement; Daleo assumed if she wanted placement she would have brought it up. Grandmother requested placement for the first time on January 2, 2015. Daleo's opinion was that Helen had formed a bond with her foster parents with whom she had lived since birth. Helen sought them out for comfort and jumped up and down when they entered the room.

Grandmother testified that when Daleo called her looking for Father, she never mentioned the potential for Helen being placed with her. Grandmother did not ask for visits because Daleo said visits were only for the parents. Daleo never asked her if she wanted Helen. Grandmother denied Father told her to contact Daleo if she wanted placement. Daleo either did not tell Grandmother about court dates or told her not to come. Grandmother said a friend, Mr. W., drove her to visits because she did not drive on the freeway. No one currently lived with Grandmother, although Father had lived with her recently. Grandmother explained she had lied about her rent because she feared she would be viewed as lacking enough money to take care of Helen. Grandmother testified she did not currently use any illegal drugs. When she said in her declaration that she had no criminal convictions, she was referring to felony convictions because she thought that was all she was being asked to disclose. She had no arrests since her 1996 conviction. Grandmother testified about playful and affectionate weekly visits with Helen. She believed Helen needed to know her “natural family.”

The juvenile court ruled on Grandmother’s motion for placement before proceeding to the six-month review hearing ruling. It found it was not in Helen’s best interest to change placement and denied Grandmother’s motion. In its comments, the court explained it was independently reviewing Helen’s placement and applying the factors set forth in section 361.3 and Family Code section 7950. The court reviewed the procedural history of the case. It noted the disposition hearing had occurred on June 9, 2014, and a .26 hearing was set for October. Grandmother was present at the September 22, 2014, progress review hearing, at which Father was found to be Helen’s biological father. Pursuant to the parties’ stipulation, the court vacated the .26 hearing, ordered services for Father, and gave him a .26 advisement. There was no request by Father to vacate the jurisdiction or disposition findings. Father did not ask for placement or that a relative be evaluated for placement. The court acknowledged Grandmother was sincere

about wanting Helen placed with her and she had affection towards Helen, but Grandmother did not express interest in placement until January 2015 when she realized Father was not going to be able to reunify. Grandmother was earlier told by Father she could request placement of Helen, but she did not contact Daleo. When Daleo previously called looking for Father, Grandmother did not mention wanting Helen to be placed with her. Once Grandmother indicated she wanted placement, a placement assessment was conducted. Although the court criticized Daleo for placing the burden on Father to ascertain if a relative wanted placement, Grandmother was factually aware earlier of her right to request placement and did not. Additionally, the court found Grandmother had pleasant visits with Helen, but she was best characterized as a “friendly visitor.” Contrasted against this was the year Helen had lived with the foster parents, which was her entire life, in which she had bonded with them and developed a strong relationship. She was securely attached to the foster parents and would suffer distress if separated from them. The court found severing Helen’s bond with the current caregivers would not be in Helen’s best interest. The court emphasized that its conclusion changing Helen’s placement was not in her best interests was not just based on the length of Helen’s current placement but also on concerns about Grandmother’s lack of candor. After denying Grandmother’s motion for placement, the court made its six-month review findings terminating Father’s reunification services and setting a .26 hearing for August 25, 2015.

DISCUSSION

Grandmother contends the juvenile court erred by denying her motion to place Helen with her. We find no error.

A. Relative Placement Preference General Rules

“Section 361.3 gives ‘preferential consideration’ to a relative request for placement, which means ‘that the relative seeking placement shall be the first placement to be considered and investigated.’ (§ 361.3, subd. (c)(1).) The assessment of the

relative shall involve the consideration of eight factors set out in the statute” (*Cesar V. v. Superior Court* (2001) 91 Cal.App.4th 1023, 1033 (*Cesar V.*).

“[T]he statute express[es] a command that relatives be assessed and *considered* favorably, subject to the juvenile court’s consideration of the suitability of the relative’s home and the best interests of the child. [Citations.] Section 361.3 promotes a preference for foster placement with relative caregivers as set forth in Family Code section 7950 and helps meet the statutory requirement of section 16000 . . . that a child live in the least restrictive and most family . . . like setting possible.” (*In re Antonio G.* (2007) 159 Cal.App.4th 369, 377 (*Antonio G.*), internal quotation marks omitted.)

When considering the relative placement factors, “‘the county social worker shall conduct a direct assessment of the safety of the relative’s home. The information obtained as a result of this assessment shall be documented by the county social worker in the child’s case record.’ (§ 361.3, subd. (a)(5) & (8).) The statute reiterates: ‘The county social worker shall document these efforts [to assess the relative according to the statutory factors] in the social study prepared pursuant to [s]ection 358.1.’ (§ 361.3, subd. (a)(8).)” (*Cesar V., supra*, 91 Cal.App.4th at p. 1033.) “[T]he juvenile court must exercise its independent judgment rather than merely review SSA’s placement decision for an abuse of discretion. The statute itself directs both the ‘county social worker and court’ to consider the propriety of relative placement. (§ 361.3, subd. (a).)” (*Cesar V., supra*, 91 Cal.App.4th at p. 1033.)

The “preferential consideration” articulated in section 361.3 “does not create an evidentiary presumption in favor of a relative, but merely places the relative at the head of the line when the court is determining which placement is in the child’s best interests[.]” (*In re Sarah S.* (1996) 43 Cal.App.4th 274, 286, citing *In re Stephanie M.* (1994) 7 Cal.4th 295, 320-321.) We review a juvenile court’s custody placement orders under the abuse of discretion standard of review; the court is given wide discretion and its determination will not be disturbed absent a manifest showing of abuse. (*In re Robert L.*

(1993) 21 Cal.App.4th 1057, 1067, superseded by statute on another ground as stated in *Cesar V.*, *supra*, 91 Cal.App.4th at p. 1032.) “Broad deference must be shown to the trial judge. The reviewing court should interfere only “if we find that under all the evidence, viewed most favorably in support of the trial court’s action, no judge could reasonably have made the order that he did.” [Citations.]’ [Citation.]” (*Ibid.*)

B. Helen’s Best Interests

Grandmother’s argument does not focus on the juvenile court’s conclusion placement with her was not in Helen’s best interest. Rather, she primarily contends SSA failed to properly carry out its duties regarding identifying relatives for placement in the first instance.

The need for a relative placement assessment is first triggered when a child is initially declared a dependent of the juvenile court and removed from parental custody pursuant to section 361. (§ 361.3, subd. (a).) Section 361.3, subdivision (d), provides that *after* the dispositional hearing, “whenever a new placement of the child must be made, consideration for placement shall again be given as described in this section to relatives who have not been found to be unsuitable and who will fulfill the child’s reunification or permanent plan requirements.” In other words, the statute provides the triggering event for a relative placement assessment after the children have already been removed from parental custody is the necessity of finding a new placement. (See *In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054 [agency actively seeking placement for minor]; *In re H.G.* (2006) 146 Cal.App.4th 1, 6-7, 9-10 [court removed minor from relative placement]; *Cesar V.*, *supra*, 91 Cal.App.4th at pp. 1027-1028 [family not interested in adoption necessitating a change in placement]; but see *In re Joseph T.* (2008) 163 Cal.App.4th 787, 794-795 [relative placement preference should be ongoing preference applicable whenever relative comes forward and requests placement during reunification period whether or not new placement needed].)

Grandmother relies on section 309, subdivision (e)(1), which requires that when a child is “removed” from parental custody, the social worker is required to conduct an investigation to “identify and locate” the child’s adult relatives, including grandparents, notify them the child was removed from parental custody, explain the various options for participating in the child’s care and placement, and provide them with information on how to pursue those options. Grandmother argues the orders made at the September 22, 2014, interim review hearing, at which Father made his first appearance were “dispositional” orders as to Father removing Helen from his custody. Thus, at that point Helen was “removed” from Father’s custody, the relative placement preference was triggered, and SSA was required to comply with section 309, subdivision (e)(1).

Preliminarily, we disagree with Grandmother’s characterization of the September 22, 2014, hearing. There had already been a jurisdiction hearing (May 7, 2014), and a disposition hearing (June 9, 2014), at which Helen was removed from parental custody. At that time, the identity of Helen’s father was unknown. Services for Mother were bypassed pursuant to section 361.5, subdivision (b)(1), and a .26 hearing was set. The September 22, 2014, hearing was an interim review hearing, at which the parties, including Father, stipulated to vacating the scheduled .26 hearing, providing reunification services to Father, giving Father a .26 warning that failure to reunify could result in termination of parental rights, and setting a six-month review hearing. There was no request by Father to vacate the prior jurisdiction findings or the disposition order removing Helen from parental custody. The September 22, 2014, hearing was not a disposition hearing, and the order was not a removal order—Helen had already been removed and placed.

Furthermore, even if Grandmother’s characterization is accurate, she was present at the September 22, 2014, hearing and had notice Helen was the subject of a dependency proceeding and she had been removed from the parents’ custody. Daleo

specifically told Father later that if any paternal relatives wanted placement, he should have them contact her. And although the juvenile court correctly criticized the social worker for placing the onus on Father to make inquiry of paternal relatives interested in placement, the record shows he did in fact tell Grandmother that she could request placement and she should contact Daleo. Grandmother told Daleo she knew she could request placement earlier, but did not call because she did not have Daleo's number.

Finally, the fact remains that once Grandmother told Daleo in early January 2015, that she wanted Helen placed with her, SSA conducted a relative placement assessment. The juvenile court held a hearing on Grandmother's request for placement at which it considered all the statutory factors for applying the relative placement preference and exercised its independent judgment determining that changing Helen's placement was not in her best interest.

Grandmother does not contend SSA's assessment did not comply with the statutory requirements. Rather, she contends that because of SSA's delay in identifying her as a potential placement, valuable time was lost. She essentially argues that had SSA approached her sooner to see if she wanted Helen placed with her, Helen's time to develop a bond with her foster parents would have been less, and chances of Grandmother's getting placement improved. While that might be true, in acting on Grandmother's motion for placement, the juvenile court's ultimate decision is as to Helen's best interests. (*Antonio G.*, *supra*, 159 Cal.App.4th at p. 377.) "The overriding concern . . . is not the interest of extended family members but the interest of the child. '[R]egardless of the relative placement preference, the fundamental duty of the court is to assure the best interests of the child, whose bond with a foster parent may require that placement with a relative be rejected.' [Citation.] Section 361.3 does not create an evidentiary presumption that relative placement is in a child's best interests. [Citation.] The passage of time is a significant factor in a child's life; the longer a successful

placement continues, the more important the child's need for continuity and stability becomes in the evaluation of her best interests. [Citation.]” (*In re Lauren R.* (2007) 148 Cal.App.4th 841, 855.)

The juvenile court did not abuse its discretion by finding changing Helen's placement was not in her best interests. (*Robert L., supra*, 21 Cal.App.4th at p. 1067.) Helen had been in the only home she had ever known for over a year. She was thriving in the foster parents' care, they met all her needs, and she was fully bonded to them. The social worker believed, and the juvenile court agreed, Helen would suffer detriment and distress if she were separated from her foster parents. Although Grandmother had enjoyed good visits with Helen, the court found the relationship was that of a friendly visitor. Additionally, the juvenile court was justified in its concerns about Grandmother's candor, which implicated her ability to be forthcoming with SSA. Grandmother was present at the September 22, 2014, hearing at which Father was found to be Helen's biological father, given reunification services, and given a .26 advisement that his parental rights could be terminated and Helen placed for adoption. Yet Grandmother declared she was unaware of juvenile court involvement, and did not know Father was Helen's biological father until October 2014. There was conflicting information about whether Grandmother was married to the man who attended visits and court appearances with her. Grandmother denied having any criminal convictions or having committed acts of child abuse or neglect, when in fact she had two convictions and had lost custody of a child due to drug use. She was not truthful about how much rent she paid because she thought it could jeopardize her chances of having Helen placed with her. Grandmother was factually aware she could seek Helen's placement and could contact Daleo if she was interested. But in subsequent telephone conversations with Daleo, Grandmother did not mention wanting Helen placed with her, and did not affirmatively seek placement until it became clear Father would not be able to reunify. Under the circumstances, it was not

unreasonable for the court to find Helen would be best served by remaining in her successful and stable environment.

DISPOSITION

The writ petition is denied.

O'LEARY, P. J.

WE CONCUR:

RYLAARSDAM, J.

BEDSWORTH, J.